



"Never forget that justice is what love looks like in public." – Cornel West

Tuesday, October 3rd, 2023

Testimony by: The New York Legal Services Coalition

Presented to: New York State Senate Committees on Social Services and Women's Issues

Joint Legislative Hearing: to examine whether the current continuum of care is meeting the needs of survivors of gender-based and domestic violence, with pertinent human services agencies, advocates, and service providers.

Background

The New York Legal Services Coalition (NYLSC) represents civil legal services providers and their clients. Collectively, NYLSC members provide representation to low-income New Yorkers in each region of the state in the areas of family law, domestic violence, immigration, housing, public benefits, consumer issues, elder law, and LGBTQ rights. The Coalition thanks Chairs Persaud and Webb for hosting this important discussion and appreciates the opportunity to highlight the important services that civil legal aid groups provide to survivors of domestic and gender-based violence.

Services

Front-line health and human services professionals – ranging from social workers to police to nurses and doctors – provide critical, trauma-informed care for survivors of violence and abuse. Likewise, the role of police and district attorneys in the criminal response are important. These folks are often the first contact a survivor has and represent important components in the multi-disciplinary team approach to services. Civil legal aid organizations also serve as a “point of entry” for help, and often provide the less visible, but critically important non-criminal legal counseling and representation. Some member organizations have social workers on staff to complement civil legal efforts, while many others work hand in glove with neighboring human services organizations as a part of this multi-disciplinary model.

Our providers offer direct legal intervention in matters that are impacted as a direct result of acts of crime and violence, including their housing, finances, family, employment, and immigration status. This ranges from protection of assets in cases of elder abuse and exploitation to ensuring that employers are granting time off following a traumatic incident or injury. Providers step in to protect the immigration status of crime victims, especially in instances of trafficking where abusers often try to exploit through threats of deportation. In cases of domestic



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violence, civil legal aid attorneys ensure victims' rights to safe housing are preserved. Please see below for a few case examples (edited to protect privacy and safety of the clients).

Moreover, our network of providers offers a wealth of "know your rights" information. These resources are available online, in print, in person, over the phone, and are even accessible at "information booths" in courthouses, community centers, and even legislative offices across the state. Many of our members also partner with "NY Crime Victims Legal Help" to provide civil legal resources, ease access to attorneys, and work collaboratively with partners in the criminal legal system.

Funding & Workforce Challenges

The robust provider network of both legal services and human services providers is largely funded by federal Victims of Crime Assistance Account (VOCA) dollars that flow through the State Office of Victim Services (OVS). Federal actions have resulted in significant cuts to the amount of VOCA resources that NYS will receive in 2024 and 2025, thereby threatening the viability of provider contracts and services. Specifically, this shortfall will impact the second half of year two and the first half of year three of the existing provider contracts, which follow the Federal Fiscal cycle of 10/1 – 9/30. Without state action to replace the lost federal VOCA funding, hundreds of programs – who are already operating at reduced capacity due to prior cuts – will not have to reduce services, or worse, close entire programs.

We also note that systemic challenges with the state contracting process are impacting the operations of non-profit providers and civil legal services organizations alike. Delays in payments, process inconsistencies between contracts, lack of coverage of basic costs related to providing services, and other factors combine to create a cycle of crisis for providers who are the backbone of New York's social safety net. Cash flow challenges and diminishing resources over time place client services at risk. This cycle, and the fiscal instability it drives, also makes it difficult to recruit and retain staff to provide the life stabilizing services we're retained by the state to provide.

It is also important to recognize the invaluable contribution of the human services and civil legal services workforce and the need for fair and equitable pay for these professionals. Across the human services sector, it is growing increasingly difficult to recruit and retain staff. The same is true for the civil legal services community, where providers, especially outside of the New York City / metro area, are struggling to find and retain attorneys. Often professionals are lost to government partners – largely state, county or even local government agencies – who offer more competitive pay and benefits packages. While non-profits maximize resources towards good pay and benefits, stagnant funding of state contracts, and the absence of regular



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cost-of-living adjustments across the board make it nearly impossible to compete with government agencies, and of course, the private sector.

Funding & Policy Recommendations

1. Provide adequate state funding in the SFY 2025 Budget to enable OVS to fully honor year two and year three of the current contracts despite any shortfalls in federal funding. The total amount of the contracts is \$125 million per year, following the Federal Fiscal cycle of 10/1 – 9/30. Therefore, the total amount of the appropriations requested are \$62.5 million in SFY 2025 and \$62.5 million in SFY 2026 to ensure level funding of contracts through the term of 9/30/2025.
2. Work with this community to ensure an adequately funded domestic violence and legal services network in the future that is not at the mercy of fluctuations in the federal Victim Services Fund. This stopgap could be achieved through legislation (or budget language) such as [legislation passed in Maryland](#) that ensures state funding will backfill gaps caused by a decrease in federal VOCA funds. At such time when federal funding increases, the state could revert to normal “matching funds” with an eye towards providing additional state support for cost-of-living increases to further strengthen the provider network.
3. Make reforms to the contracting process including, but not limited to: ensuring timely registration and renewal of contracts, establishing uniform processes among agencies, and making RFP processes consistent across agencies and funding opportunities to the extent practicable.
4. Support pay parity for the civil legal services workforce. This would include cost-of-living increases for state contracts to allow non-profits to offer salary packages on par with agencies such as the Attorney General’s Office.

Thank you again for the opportunity to submit testimony. Please reach out to our lobbyist, Vincent Rossetti, at 845-750-3569 or vincent@rossettigovrelations.com with any questions or to discuss further.



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Case Examples

1. Sarah* was beaten so badly by her boyfriend that she presented to the emergency room in a panic with complications from a prolapsed uterus. She was so traumatized and scared that she did not want to identify her abuser or file a formal report. She was referred to legal services through the MedLaw Partnership of WNY, part of the Center for Elder Law & Justice. CELJ attorneys and social workers were able to meet with Sarah bedside and earn her trust so that a safety plan could be made. It turns out Sarah had more than 10 surgeries in the past due to complications from a prolapsed uterus, inflicted by her abuser. Sarah shared that she had escaped him, but she had a panic attack because she thought she saw him driving down her street and that would mean he had found her again. The CELJ team was able to counsel Sarah on her legal options for protection, create a safety plan, and link her with supportive housing resources.
2. Kim* reached out to the Center for Elder Law & Justice for help evicting her live-in boyfriend who had become physically abusive to her and her adult child and grandchildren, who all lived together. The boyfriend recently stopped working and was around the home more often and becoming violent. At one point, he beat the children with a bicycle chain. CELJ was able to take legal action to remove the abuser from the home and assist with obtaining an order of protection against the abuser.
3. In November of 2022 C was sitting on the stairs on the exterior of a building in shock and with nowhere to go when a woman looked at her and asked her what was wrong. C shared that she had to flee her home due to domestic violence. The stranger directed her to NMIC's VOCA funded Domestic Violence Project (DVP). C shared that after being assaulted by her partner, she called 911, however when the police arrived, her partner accused her of being emotionally disturbed. NYPD placed her in handcuffs and brought her to the hospital where she met with medical staff who showed compassion and listened to her. They saw the bruises from where her partner had hit her and heard how the police had wrongfully detained her. C's partner was arrested soon thereafter, and she was terrified that he would retaliate against her for telling the truth. C began weekly counseling with NMIC's DVP where she was able to process her trauma in a safe environment and begin healing from hypervigilance, nightmares and shame. She received help applying for OVS compensation, stabilizing her housing, rebuilding her self-esteem and becoming a member of our weekly support group for survivors. C initially felt that she was not emotionally strong enough to testify at trial, but over the course of several months became more and more empowered. Her counselor educated her about the criminal legal system and her rights. Now nearly a year later, C learned that her ex-



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partner pled guilty to the crimes he committed against her on the eve of trial, and she was granted a 2-year order of protection. She reflected that her ex partner “sabia que yo soy miedosa.... el pensaba que yo no iba a poder testificar en un juicio. Pero el no sabia que el miedo se quedo en su casa y la valentia salio a la calle con migo” [he knew that I was fearful....he thought that I would never be able to testify against him at trial. But he didn’t know that I left my fear behind in his home and when I fled to the street, I brought courage with me.” C has shared that through her work with NMIC’s DVP, she has learned so much about domestic violence, patterns in her family history, resources in the community and about herself. She continues to make an incredible impact on other survivors as a member of the support group, providing testimony and comfort to help others heal.